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DRAFT

Real Estate – Appendix C

For the

**Miami Harbor Navigation Study
General Reevaluation Report**

Miami-Dade County, Florida - 010140



**US Army Corps
of Engineers**

Jacksonville District
South Atlantic Division

MIAMI HARBOR, FLORIDA
NAVIGATION STUDY
GENERAL REEVALUATION REPORT (GRR)
FINAL REAL ESTATE APPENDIX

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Rev. 3/2002 & 6/2002.bam

**MIAMI HARBOR, FLORIDA
GENERAL REEVALUATION REPORT (GRR)
FINAL REAL ESTATE APPENDIX**

1. Statement of Purpose. This Final Real Estate Plan is tentative in nature for planning purposes only and both the final real property acquisition lines and any real estate cost estimates provided are subject to change even after approval of the General Reevaluation Report.

2. Study Authorization. The authority to reevaluate the project is authorized by the U.S. House of Representatives Resolution adopted 29 October 1999. It was resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives. The Secretary of the Army is requested to review the report of the Chief of Engineers on Miami Harbor published as Senate Document 90-93, 90th Congress, 2nd Session, and other pertinent reports, with a view to determining the feasibility of providing channel improvements in Miami Harbor and channels.

3. Project Location. Miami Harbor is located in Biscayne Bay near the southern end of the Florida Peninsula. The City of Miami is on the western shore of the Bay. The bay is separated from the Atlantic Ocean by a peninsula and a chain of islands.

4. Project Description.

a. The existing Federal project for Miami Harbor navigation features consists of an entrance channel, interior channel, turning basin, protective jetties and berthing areas. The reevaluation is at the request of local interests.

b. The improvements to the project include deepening and widening the existing channel to improve navigation safety. The existing 42-foot project depths are not adequate for many ships. Access to the project areas will be by water.

c. The primary disposal site is the existing offshore dredged material disposal site (ODMDS). These lands are within the navigable waters of the United States and are available to the Federal Government directly by navigation servitude.

d. The secondary disposal alternative is the use of approximately 65 acres at Virginia Key upland disposal area. It is located on the north tip of Virginia Key (See map at the end of this appendix) and was historically used for spoil disposal when dredging Port channels. The property is owned by the City of Miami. A legal determination was made regarding the applicability of the navigational servitude rights within this area. If the property is now or ever was part of a navigable waterway, it would be subject to the navigational servitude interest of the United States of America (Government). As such, the Government can use the land in connection with this navigational project and such use would not constitute a "taking" requiring compensation. Recommend this matter be discussed with the City and the local sponsor. If disagreement is expressed with the exercise of navigational servitude, then a topographical survey will be the deciding factor for establishing its elevation.

e. The local sponsor is responsible for providing a small staging work area located along the Port's undeveloped berthing area north of Lummus Island Turning Basin or the Middle Turning Basin for equipment and supplies. Contractor will coordinate staging area with the sponsor and no estates are required since this area is available through navigation servitude.

f. The local sponsor is working with local and State agencies to determine if the 100-foot channel extension of the Lummus Island (Fisherman's) Channel will impact the northernmost point of the Bill Sadowski Critical Wildlife Area located south of the Port of Miami in Biscayne Bay. Issue to be resolved in conjunction with the local sponsor.

g. Real estate requirements for the proposed project improvements are mainly administrative and are estimated at \$25,000.

5. Federal Owned Lands. Miami Harbor is a Federal navigation project and under the Commerce Clause of the U.S. Constitution, the Federal Government has the right to use, control, and regulate the navigable waters of the United States and the submerged lands thereunder.

6. Non-Federal Owned Lands. The non-federal sponsor is the Miami Port Authority and they would be required to provide all lands, easements, and rights-of-way above the mean high water line. The Port owns the submerged lands under the channels and beyond; however, all lands identified for this project are currently available by navigation servitude.

7. Estates. There are no estates to be acquired for this project.

8. Navigation Servitude. The government will be exercising navigational servitude in support of this project. Navigational servitude will apply to all dredging work, deepening within the channels, disposal on Virginia Key, staging work areas, ocean placement of material, the compensatory reef and seagrass mitigation site(s), and the fill areas identified as III-A, III-B, and III-C. All lands below the mean high water line are within the navigable waters of the United States and are available to the Federal Government directly by navigation servitude. If this should be disputed, a topographical survey will be the decisive action for purposes of establishing the elevation for certainty.

9. Project Map. Project maps are provided at the end of this appendix.

10. Real Estate Baseline Cost Estimate.

Lands and Damages	\$ 0
Acquisition/Administrative Costs	
Federal	\$10,000
Non-Federal	\$10,000
Contingencies (25%) (Rounded)*	\$ 5,000
Total Estimated Real Estate Costs (RD)	\$25,000

*Contingencies of 25% are estimated to cover uncertainties associated with refinement of boundary lines during ownership verification.

11. Relocation Assistance Benefits. There are no persons or businesses to be relocated due to project implementation.

12. Minerals. No known minerals exist in the project area.

13. Non-Federal Sponsor's Authority to Participate. The Miami Port Authority is the non-federal sponsor for this project. Their authority to participate in the project is derived through its creation by Act of the Legislature of the State of Florida, Chapter 63-1447, Laws of Florida. The Port Authority has experience in land acquisition. The non-Federal sponsor has participated in other federally sponsored projects.

14. Real Estate Milestones. No acquisition of real estate is required; however, coordination should be performed for navigation servitude.

15. Relocations of Roads, Bridges, Utilities, Towns, & Cemeteries. There are no known roads, bridges, structures, towns, or cemeteries to be affected as part of the federal project. Three utilities likely to be relocated prior to construction of this project are the Miami-Dade Water and Sewer Department (WASD) 54-inch sewer line from South Beach to Fisher Island treatment plant crossing ALT #2a and two Florida Power & Light (FP&L) electrical utilities from Fisher Island and Lummus Island crossing ALT #5 (Refer to enclosed plate). The FP&L utility line should have already been relocated without project condition under the past Phase II deepening. The project sponsor will be responsible for all relocations and alterations. They have undertaken part of the work under a Section 204(e) agreement that allows the sponsor to seek reimbursement. A preliminary attorney's opinion of compensability will be performed upon funding availability.

16. Presence of Contaminants (Hazardous, Toxic and Radioactive Wastes). There are no known hazardous or toxic materials located on the submerged lands or in the local berthing areas.

17. Attitude of Landowners. There are no private property owners directly affected by the federal project.

